

REMARKS

Claims 1, 5-11 and 36-47 were pending. Claims 1, 5-11 and 36-38 stand allowed. Claims 45-47 have been rejected. Claims 39-43 are objected to. Claims 39 and 45-47 have been amended. New claim 48 has been added.

Preliminarily, Applicants note that claim 44 was not listed as rejected, allowed, or objected to. As claim 44 depends from allowed claim 5, Applicants proceed under the assumption that claim 44 is also allowed. In the event Applicants' assumption is incorrect, clarification is requested from the Office.

Support for the amendments to the claims and for new claim 48 can be found, *inter alia*, at page 2, lines 18-21; page 6, lines 7-15 and 23-27; page 11, lines 23-27; page 14, lines 10-15; page 19, lines 16-20; page 22, lines 19-24; and page 23, lines 3-7 and 13-16 of the specification.

No new matter has been added.

Upon entry of this paper, claims 1, 5-11 and 36-48 will be pending.

Information Disclosure Statements

Upon reviewing the Information Disclosure Statements (IDS) filed to date, Applicants note that Document Number AH (WO 00/55320), filed in the IDS mailed August 2, 2001, was not initialed by the Examiner. Applicants note that all other references set forth in the August 2, 2001 IDS were initialed. Applicants respectfully request that the Examiner initial Form 1449, indicating that the reference was considered, and return same to the Applicants. A copy of the partially initialed Form 1449 is attached hereto for the Examiner's convenience. In the event the Examiner is not able to locate a copy of Document AH, Applicants will forward a copy to the Office upon request.

Claim Objections

Claims 39, 45 and 46 were objected to for formal reasons. Claim 39 was amended to add remove an extraneous "." at the end of the claim.

The Office alleged that “claims 45 and 46 are not further limiting from claims 5, 36 and 39.” Applicants respectfully disagree as claims 45 and 46 do further limit claims 5, 36 and 39. The Office is reminded that the patent laws and regulations do not prohibit the presence of claims of varying, even overlapping scope.

Although claims 45 and 46 do overlap with claims 5, 36 and 39 to a limited extent, claims 45 and 46 are narrower in scope than claims 5, 36 and 39. For example, each of claims 5, 36 and 39 recite some variability in the reference sequence. Claim 5, for example, recites a polynucleotide encoding a polypeptide with five or fewer conservative amino acid substitutions relative to SEQ ID NO:2 and given fragments thereof. Claim 36 recites that the polynucleotide is at least 95% identical to a polynucleotide encoding SEQ ID NO:2 and given fragments thereof. Claim 39 recites a polynucleotide encoding a polypeptide at least 95% identical to SEQ ID NO:2 or a full complement thereof. Claim 45 is narrower in scope than any of claims 5, 36 or 39 as it identifies an amino acid sequence (SEQ ID NO:10) which must be encoded by the polynucleotide; there is no sequence variability permitted with respect to the portion of the polynucleotide encoding SEQ ID NO:10. Five or fewer conservative amino acid substitutions or 5% sequence variability in the polynucleotide sequence or amino acid sequence, as appropriate, permit sequence variability, including in the region encoding SEQ ID NO:10. Similarly, claim 46 is narrower in scope than any of claims 5, 36 or 39 as it identifies an amino acid sequence (SEQ ID NO:3) which must be encoded by the polynucleotide; there is no sequence variability permitted with respect to the portion of the polynucleotide encoding SEQ ID NO:10. Five or fewer conservative amino acid substitutions or 5% sequence variability in the polynucleotide sequence or amino acid sequence, as appropriate, permit sequence variability, including in the region encoding SEQ ID NO:3.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the objections to claims 39, 45 and 46.

Claim Rejection under 35 U.S.C. § 112, first paragraph

Written Description

Claim 47 was rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing new matter. Specifically the Office alleges that there is no support for the limitations "46-1173 of SEQ ID NO:1" and "unchanged with respect to SEQ ID NO:1" Applicants do not agree.

Applicants respectfully direct the Examiner's attention to page 22, lines 22-23 which recites the region comprising nucleotides 46-1173 of SEQ ID NO:1 Applicant have revised claim 47 to remove the phrase "unchanged with respect to SEQ ID NO:1" in order to further clarify the claim language.

In view of the foregoing Applicants respectfully request the withdrawal of the written description rejection.

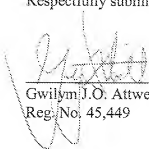
CONCLUSION

The foregoing represents a *bona fide* attempt to advance the present application to allowance. Applicants respectfully assert that all claims are in condition for allowance, which action is hereby requested. The Examiner is invited to telephone the undersigned attorney at (302) 778-8458 if such would expedite prosecution.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: May 31, 2007



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Sheet 1 of 1

FORM PTO-145
(REV. 7-80)

AUG 6 7 2001

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
SUPPLEMENTAL CENTER 1800/2000

ATTY. DOCKET NO.
200130.517/PP-01656.003

APPLICATION NO.
09/758,575

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

*APPLICANTS
Joerg Kaufmann et al.

FILING DATE
January 9, 2001

GROUP ART UNIT
1645 1642

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
				YES	NO
anh	AG WO 93/16180	08/19/93	WIPO	—	—
	AH WO 00/55320	09/21/00	WIPO	—	—
	AI				
	AJ				
	AK				

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

anh	AL	Anisowicz et al., "A Novel Protease Homolog Differentially Expressed in Breast and Ovarian Cancer," <i>Molecular Medicine</i> 2(5):624-636, September 1, 1996.
anh	AM	Database EMBL, Accession No. AC018997, December 26, 1999.
	AN	
	AO	
	AP	
	AQ	
	AR	
	AS	

EXAMINER

am/abc

DATE CONSIDERED

11 October 2001

* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s)

FORM PTO-1449 (REV. 7-80)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. 200130.517/PP01656.002		APPLICATION NO. 09/758,575	
INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				APPLICANTS Joerg Kaufmann et al.		GROUP ART UNIT Not yet assigned 1642	
				FILING DATE January 9, 2001			
U.S. PATENT DOCUMENTS							
*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA							
AB							
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION			
				YES NO			
AC							
AD							
OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)							
AM	AE	Albini et al., "A Rapid <i>In Vitro</i> Assay for Quantitating the Invasive Potential of Tumor Cells," <i>Cancer Res.</i> 47(12):3239-3245, June 15, 1987.					
	AF	Bergstrom et al., "Regulatory Autonomy and Molecular Characterization of the <i>Drosophila out at first Gene</i> ," <i>Genetics</i> 139(3):1331-1346, March 1995.					
	AG	Engel et al., "Establishment and Characterization of Three New Continuous Cell Lines Derived from Human Breast Carcinomas," <i>Cancer Res.</i> 38(10):3352-3364, October 1978.					
	AH	Kramer et al., "Invasion of Reconstituted Basement Membrane Matrix by Metastatic Human Tumor Cells" <i>Cancer Res.</i> 46(4 Part 2):1980-89, April 1986.					
	AI	Merli et al., "Promoter Specificity Mediates the Independent Regulation of Neighboring Genes," <i>Genes Dev.</i> 10(10):1260-1270, May 15, 1996.					
	AJ	Negrini et al., "Definition and Refinement of Chromosome 11 Regions of Loss of Heterozygosity in Breast Cancer: Identification of a New Region at 11q23.3," <i>Cancer Res.</i> 55(14):3003-3007, July 15, 1995.					
	AK	Rishi et al., "Regulation of the Human Retinoic Acid Receptor α Gene in the Estrogen Receptor Negative Human Breast Carcinoma Cell Lines SKBR-3 and MDA-MB-435," <i>Cancer Res.</i> 56(22):5246-5252, November 15, 1996.					
	AL	Sugiura et al., "Function of $\alpha\beta 1$ -Tetraspanin Protein Complexes in Tumor Cell Invasion. Evidence for the Role of the Complexes in Production of Matrix Metalloproteinase 2 (MMP-2)," <i>J. Cell Biol.</i> 146(6):1375-1389, September 20 1999.					
EXAMINER Am Harris				DATE CONSIDERED 06 October 2004			
* EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).							